UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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CHICAGO, IL 60604-3590

MAY 20 2015

REPLY TO THE ATTENTION OF:

E-19J

Michael Pniewski
U.S. Army Corps of Engineers – Buffalo District
Toledo Project Office
3906 North Summit Street
Toledo, Ohio 43611

RE: Draft Environmental Impact Statement (CEQ# 20150102) – Blanchard River Watershed Study, City of Findlay, Hancock County, Ohio

Dear Mr. Pniewski:

The U.S. Environmental Protection Agency (USEPA) has received a U.S. Army Corps of Engineers' (USACE) Draft Environmental Impact Statement (Draft EIS) dated April 2015 for the Blanchard River Watershed Study located in Hancock County, Ohio. Hancock County is the project's non-Federal Sponsor. The Maumee Conservancy District will be the Sponsor for project implementation. USEPA has reviewed the Draft EIS, and this letter provides our comments, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The study area is the Blanchard River Watershed, focused on the City of Findlay, Ohio. Findlay is located in Hancock County, approximately 50 miles south of Toledo and roughly 50 river miles upstream of the confluence of the Blanchard and Auglaize Rivers. The Blanchard River, Eagle Creek, and Lye Creek all converge in Findlay's downtown business district. According to the U.S. Geological Survey's stream gage data at Findlay, the Blanchard River has reached flood stage at least once in 15 of the last 20 years. When large rainfall events occur, water exceeds the channel capacity, resulting in overbank flow through the agricultural areas as well as the urbanized areas of Findlay. Findlay receives the majority of flood damage directly from overbank flooding of the Blanchard River and its tributaries. During flood events, the overbank flow from the Blanchard River is often diverted to Lye Creek, which increases the severity of flooding in the watershed. Findlay is the county seat for Hancock County and is home to the headquarters of several major corporations, including Marathon Petroleum and Cooper Tire.

The Draft EIS evaluates the feasibility and environmental effects of implementing flood risk management efforts in the Blanchard River watershed. The project need for action is the ongoing overbank flooding experienced in the Findlay area due to insufficient capacity of the Blanchard River and its major tributaries, Eagle and Lye Creeks. The project purpose is to reduce flood risk and improve the overall quality of life for the residents of the Findlay, Ohio area.

Eight alternative plans, including the No Action Plan, were further evaluated for project implementation. The plans were evaluated for their cost efficiency, flood risk effectiveness, as well as their acceptability. USACE identifies the plan with the greatest net economic benefit, consistent with protecting the Nation's environment, as the NED (National Economic Development) plan. **Plan F2 (Alternative 2 Alignment)** was selected as the NED Plan, which for the purpose of NEPA is also the preferred alternative. Plan F2 includes two major components. The first component is construction of a 9.4 mile long diversion channel of Eagle Creek, designed to divert high flows from Eagle Creek around the City of Findlay to the Blanchard River (downstream of Findlay). This would include construction of a diversion control structure within Eagle Creek to allow low flows to continue downstream in Eagle Creek, while higher flows are directed to the diversion channel. The second component is a 9,800' earthen levee to cut off overland flow of Blanchard River floodwaters into Lye Creek. The levee would cut off the cross-flow between the two waterbodies and lower flood risk, especially along Lye Creek.

Based on our analysis, EPA has rated the Draft EIS as "**Environmental Concerns – Insufficient Information**" **(EC-2)**. Please see the enclosed "*Summary of Rating Definitions*" for an explanation of this rating. EPA's comments on the Draft EIS focus on information clarification, project alternatives, groundwater and water quality, climate change, and mitigation commitments. Our comments are discussed in greater detail in the enclosure to this letter: "*EPA Detailed Comments on the Draft EIS for the Blanchard River Watershed Study.*"

USEPA appreciates that the Draft EIS addresses many of the scoping comments that were raised previously in our scoping comment letter dated January 7, 2013. We reiterate our support for maximizing natural floodplain habitat and native deciduous forest restoration within the project area, considering much of Blanchard River watershed was historically within the Great Black Swamp.

Thank you for the opportunity to review and comment upon this Draft EIS. We are available to discuss our comments with you in further detail if requested. Please send us a hard copy and CD of the Final EIS, once issued. We also request a copy of the signed Record of Decision. If you have any questions about this letter, please contact Ms. Liz Pelloso, PWS, of my staff at 312-886-7425 or via email at pelloso.elizabeth@epa.gov.

Sincerely,

Virginia Laguardi Acting For

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosures:
Summary of Rating Definitions
EPA Detailed Comments on the Draft EIS for the Blanchard River Watershed Study

ccs with enclosures (via email):
John Kessler, ODNR-Office of Real Estate
Debbie Woischke, ODNR-Division of Wildlife
Mary Knapp, USFWS-Ohio ESA
Heather Allamon, OEPA 401 WQC Program

EPA Detailed Comments on the Draft EIS for the Blanchard River Watershed Study (CEQ# 20150102)

May 20, 2015

CLARIFICATIONS

- Figure 5.6b (page 45) is at too large of a scale to discern where delineated wetlands are located. While the previously-completed wetland delineation does not cover the majority of the areas of the preferred alternative, a figure or figures (with match lines) at a smaller scale, overlaid with the alignments of the preferred alternative footprints, would have been useful.

  Recommendation: The Final EIS should provide a figure or figures at appropriate scales to discern the locations, and proposed impacts to, any previously-delineated wetlands.

- Several million cubic yards of soil will need to be excavated to construct the proposed diversion channel. This excavated material is proposed to be trucked to an abandoned quarry for disposal. The Draft EIS was not clear if this quarry is a Water of the U.S. or a Water of the State, though Appendix E notes the quarry "*...is not classified as Waters of the United States*." The Draft EIS and appendices were not clear if there would be permitting requirements and/or mitigation required for this proposed placement under state laws other than the Federal Clean Water Act.

  Recommendation: The Final EIS should clarify if the quarry is a regulated waterbody by any agency and whether the proposed disposal of excavated soil is expected to require permits and/or mitigation from state and/or Federal agencies.

- Section 7.6 (Design and Construction Considerations) of the Draft EIS discusses expected excavation and tree/vegetation clearing to construct the proposed diversion channel. Section 8.2 (Geology and Soils) discusses soil excavation and off-site disposal as currently proposed.

  Recommendations: The Final EIS should discuss how trees and other vegetation cleared during construction will be handled. USEPA does not support burning of vegetation due to negative air quality impacts. USEPA suggests that USACE work with city/county officials to mulch vegetation for use by the community, or reuse tree roots or branches to create wildlife habitat by placing snags or brush bundles adjacent to upland or wetland habitat. Additionally, while impacts to the transportation network are expected to be beneficial as a result of the reduction in flooding frequency from the proposed project, USEPA recommends the Final EIS discuss the impacts from construction within the project area. The Final EIS should discuss which major roads are likely to be impacted by construction, how residents will be notified of construction detours, the length of time construction should occur, coordination with emergency service providers, etc. The short-term impacts in the form of congestion during construction should be further explained in the Final EIS.

- Section 8.7 (Vegetation) of the Draft EIS states that implementation of the preferred alternative would result in minor, long-term impacts to vegetation in the area, as it would eliminate croplands, wetlands, and "*some riparian habitat within and immediately adjacent to the channel.*" Section 8.7 also states, "*It is expected that replanting of the riparian area will target native herbaceous plant communities characteristic of those typically found in the Blanchard Watershed.*"

  The description for Plan F2 also states, "*...no impacts to forested areas are expected through the implementation of this measure...*" However, information in Section 8.7 does not match information provided in Table 8.1, which states that 12.75 acres of deciduous forest and 4.7 acres of "*woody wetlands*," presumably forested wetlands, will be impacted by project implementation.

  Recommendation: The discrepancies between wording in Section 8.7 and Table 8.1 regarding forested impacts should be corrected in the Final EIS. Additionally, USEPA recommends that the term "*It is expected that replanting of the riparian area will target native herbaceous plant communities...* " be further explained. The Final EIS should clarify if native riparian herbaceous and woody vegetation mitigation will be pursued. USEPA encourages the planting of native species to mitigate for terrestrial impacts, and recommends coordinating with the Ohio Department of Natural Resources (ODNR) to determine species and suitable locations. We recommend that this vegetative mitigation be incorporated as a commitment in the Final EIS and Record of Decision (ROD). A list of suitable native herbaceous and woody species should be added to the Environmental Appendices.

ALTERNATIVES

- Section 6.2 of the Draft EIS is the discussion of alternatives. However, there are no figures that show these alternatives.

  Recommendation: The Final EIS should include figures that show each proposed alternative at an easily-discernable scale. Multiple sheets and/or match lines should be utilized if necessary.

FLOODING

- Construction of the proposed levee is expected to reduce damage along Lye Creek but also is expected to induce some flooding downstream on the Blanchard River, primarily in agricultural areas. However, the Draft EIS did not robustly discuss the expected induced flooding or the impacts to lands, residences, roads, or other structures that could occur due to induced flooding.

  Recommendation: Ramifications from induced flooding should be fully discussed in the Final EIS.

- Page 26 of the Draft EIS says that one of the identified problems is "*The extent of the flooding often inundates bridges and approach roads to a level which requires their closure, with the exception of Interstate 75, which limits access to emergency services, particularly to the regional hospital, located south of the Blanchard River in Findlay. Flooded roads and the relatively short warning times have contributed to loss of life and significantly impacted regional transportation access, impacting emergency services, local businesses, and regional commerce.*" The Draft EIS and the proposed Preferred Alternative do not clearly address this issue, or how implementation of the Preferred Alternative will address road inundation or specifically decrease road inundation.

  Recommendation: The Final EIS should further discuss how implementation of the Preferred Alternative addresses these problems.

- Section 6.2 (Formulation of Alternative Plans) of the Draft EIS discusses that the various structural plans for Findlay only address a portion of the flood risk in the community. One approach considered to provide more extensive flood risk management in Findlay is to include building retrofits and buyouts of affected structures with Plan F2, the most comprehensive structural Flood Risk Management alternative. Such non-structural plans could include elevating existing buildings, building acquisition, and/or evacuation of the floodplain (based on the depth and extent of damages as a result of the various events). The Draft EIS indicated that nonstructural risk management features have been developed and analyzed at several scales, reflecting three different levels of annual flood risk. The plans are designated F3a through F3c, which represent non-structural improvements in the 0.20 annual chance event (5-year) floodplain, 0.10 annual chance event (10-year) floodplain, and the 0.04 annual chance event (25-year) floodplain, respectively. However, these non-structural plans did not appear to be carried forward or selected.

  Recommendation: USEPA strongly recommends that Section 6.2 be revised to include a discussion focused on whether Findlay and/or Hancock County will pursue non-structural measures such as elevation, acquisition or evacuation of the floodplain to further reduce flood risk. The Final EIS should include a discussion on all flood risk management measures to be implemented by Federal, state, and/or local entities to present a comprehensive picture of flood risk management. USEPA also recommends the Final EIS discuss whether Findlay and/or Hancock County will update local emergency preparedness plans on a periodic basis to incorporate all possible structural and non-structural flood risk reduction measures.

- Section 7.2 (Plan Components) of the Draft EIS states, "*The Blanchard to Lye overflow cutoff levee would prevent flood waters from overflowing into Lye Creek from the Blanchard River, thus protecting low-lying areas on the downstream end of Lye Creek. A comparison of model results for the TSP [tentatively selected plan] versus existing conditions, however, indicate an area of 1,579 acres may be impacted by induced flooding for the 1% annual chance (100-year) event. That is, an area of 1,579 acres would be expected to experience higher flood depths for that event. Model results indicate the increase in the peak flood depth varied significantly over the area, from 0.01 feet to as much as 4 feet, for the 1% event. The area impacted by induced flooding is primarily agricultural. However, some residential*

areas in the city of Findlay may see increased flood elevations. However, at this time, significant induced damages to structures as a result of a rise in flood surface elevation is not anticipated. Determination of induced damages and where the damages rise to the level of a taking will require more detailed surveys which will not be performed until the PED [Pre-Construction, Engineering and Design] phase of the project. Additionally, peak flows downstream of where the diversion channel re-enters the Blanchard, are expected to rise by approximately 250 cfs. This is less than 2% of the total flow in the Blanchard River during the 0.01 annual chance flood event and is not expected to significantly impact water surface elevations downstream of the diversion channel confluence with the Blanchard River. During plan optimization and the PED phase, changes to the project design to reduce the additional flow of the channel and diversion structure will be performed." (emphasis added). Additionally, page 97 of the Draft EIS indicates, "*Properties which are determined to exhibit induced damages as a result of this measure, which at this time appear to be negligible, will be mitigated;*" however, mitigation is not discussed further in the Draft EIS.

Recommendation: As the Draft EIS does not clearly define, show, or otherwise identify the specific residences that may see increased flood elevations, USEPA strongly recommends these residences be listed in the Final EIS to inform reviewers of potential increased flood elevations (pending the results of more detailed surveys performed during the PED phase of the proposed project). The Final EIS should also describe and discuss what type(s) of mitigation for induced residential property flooding is/are proposed.

- Section 8.15 (Transportation) of the Draft EIS states, "*This cutoff levee is expected to intersect County Roads 173 and 205 between Township Road 240 and 244, although the roads in these areas will be gradually raised up to the elevation of the levee during construction so that long term traffic impacts would be avoided. This measure is expected to incur only minor, short-term impacts during the construction phase. The construction can be staged such that Township Roads 240 and 244 will not be closed at the same time. As these roads have traffic of under 200 ADT, traffic impacts due to construction are anticipated to be minor. Impacts to overall transportation networks as a result of implementation are expected to beneficial as the reduction in the frequency of flooding and in water surface elevation will better maintain transportation routes in the project area and reduce the frequency of closure.*"

Recommendation: EPA recommends the Final EIS include a discussion focused on when the elevation of County Roads 173 and 205 will be raised in relation to proposed construction schedules. This information should be included in the Final EIS to present a comprehensive picture of flood risk management in Findlay.

WATER QUALITY

- The 26 mile stretch of the Blanchard River flowing between Findlay, and Ottawa, Ohio, is listed on the Nationwide Rivers Inventory (NRI). The NRI is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related CEQ procedures, all

Federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. According to the National Park Service (NPS), adverse effects on NRI rivers may occur under conditions which include, but are not limited to, "*introduction of visual, audible, or other sensory intrusions which are out of character with the river or alter its setting.*" Section 8.16 of the Draft EIS states that riprap would be placed at the confluence of the diversion channel and the Blanchard River to limit erosion in this area during high water events. The Draft EIS indicates that "*this would lead to minor, long-term impacts to the aesthetics of this NRI-listed stretch of the Blanchard River.*" The Draft EIS fails to determine if the placement of riprap, by introducing a visual intrusion that is out of character with the river, constitutes an adverse impact to the river.

Recommendation: In accordance with the 1979 executive directive, all agencies must "take care to avoid or mitigate adverse effects" to rivers identified in the Nationwide Rivers Inventory. USACE should investigate alternatives to riprap placement for stabilization that would be less visually intrusive. The use of open-cell concrete revetment matting (such as Armorflex) that can be backfilled with soil and vegetated may create less of a visual intrusion. USACE states it will resume coordination with NPS after release of the Draft EIS to determine if the actions made to-date satisfy the requirements of the Wild and Scenic Rivers Act and what modifications to the project will be necessary to minimize the impacts to the NRI designation. USEPA recommends the Final EIS include the results of coordination with the NPS Regional Rivers Coordinator, particularly in light of potential impacts to this NRI-listed stretch. Correspondence with the NPS post-Draft EIS should be included as an appendix to the Final EIS.

- Section 8.11 (Water Quality) does not discuss impacts of current impairments for streams listed on the Clean Water Act Section 303(d) list. The Draft EIS states that several waterways in the project vicinity are listed as impaired (i.e., not meeting state water quality standards) on the Ohio Clean Water Act Section 303(d) list of impaired waterbodies. However, the Draft EIS did not include a discussion of specific 303(d)-listed impairments by waterbody (e.g., Blanchard River, Lye Creek, Eagle Creek, etc.), nor did it include a discussion of implications to water quality for proposed impacts to 303(d)-listed waterbodies or to waterbodies upstream of a 303(d)-listed waterbody.

  Recommendation: The Final EIS should provide information on the current impairments listed for each specific waterway in the project vicinity, and describe how implementation of the proposed project could potentially affect each specific waterbody (with regard to specific listed impairments). USEPA acknowledges the Draft EIS lists several best management practices (BMPs) that could be utilized to reduce water quality impacts. We strongly recommend the Final EIS analyze and discuss potential measures that can alleviate additional impacts from the proposed project to impaired water bodies (e.g., nutrient loading).

- Section 5.4 (Streams) of the Draft EIS states, "*The Blanchard River originates in central Hardin County, approximately five miles northwest of Kenton, Ohio (Figure 5.4). It flows in a northerly direction for the first 25 miles into eastern Hancock County, where it turns*

sharply to the west and flows through the city of Findlay. The 771 square mile Blanchard River Watershed drains into the Auglaize River near the village of Dupont in Putnam County. The Blanchard River Watershed is delineated by the U. S. Geological Survey as 8-digit hydrologic unit code (HUC11) 04100008 and is comprised of six sub-basins (Table 5.4a). These sub-basins contain waters that are designated as Warmwater Habitats (WWH) and Modified Warmwater Habitats with modified channels (MWH-C). Portions of all of these sub-basins are listed on the Section 303(d) of the Clean Water Act list of impaired waters. These waters are considered too polluted or otherwise degraded to meet the Ohio's water quality standards, set forth in Chapter 3745-1 of the Ohio Administrative Code. The list of impairments include: dissolved oxygen; flow alterations; habitat alterations, nitrite/nitrate, nutrients; organic enrichment (sewage) biological indicators; PCB(s) in fish tissue, pathogens; total phosphorus; temperature; and total ammonia (Ohio Environmental Protection Agency [OEPA], 2008)."

Additionally, Section 8.4 (Streams) of the Draft EIS states, "*West Diversion of Eagle Creek – Alternative 2 Alignment (Selected)...would result in moderate, long-term impacts to streams as a result of the in-stream diversion structure on Eagle Creek, which will temporarily back up water in the creek and the crossing of the diversion channel across several small streams within agricultural areas and to an upstream segment of Aurand Run. Only a limited on-site (i.e., road crossings) evaluation of these streams could be performed as a result of a lack of site access. A water control structure would be placed at the intersection with Aurand Run to prevent the dewatering of downstream areas on Aurand Run. It is assumed that the proposed operation of the diversion structure will not result in impacts downstream of the structure along Eagle Creek to the confluence with the Blanchard River (See Section 6.2 Plan F1 and H&H Appendix: Section 6.2 for details).*" (emphasis added).

Although several BMPs are listed in the Draft EIS, the Draft EIS did not address potential impacts downstream from either increased flow volumes (and therefore the potential to increase flooding downstream of the project area) or from increased pollutants (e.g., nutrients), and therefore the potential to exacerbate impaired waterbodies listed on Ohio's 303(d) list of impaired waterbodies.

Recommendations: USEPA recommends the Final EIS discuss potential flooding impacts downstream or upstream of the project area, if any, and the land types/land uses that will be affected (e.g., in the Auglaize River and Village of Dupont areas). Additionally, any impacts, beneficial or negative, to impaired waters status resulting from the proposed project should be discussed in the Final EIS.

- Table 8.4a and Table 8.4b refer to stream impacts as separate unnamed streams. USEPA's review of the proposed alignment when compared to aerial photography indicates that the proposed diversion channel will impact the Blanchard River and Eagle Creek, and cross different three unnamed tributaries to Aurand Run, Aurand Run, and a fourth channel that may or may not be a regulated unnamed tributary to Aurand Run. These impacts are not found in any map, making it impossible for document reviewers to determine the location of each discrete stream impact. Furthermore, by not calling out each tributary as an "unnamed

tributary to (*named blue line stream on U.S. Geological Survey topo maps*)" it is difficult to discern which waterway is proposed to be impacted.

Recommendation: Table 8.4a (at a minimum) should be modified in the Final EIS to call out streams as (unnamed tributary to "*named blue line stream on U.S. Geological Survey topo maps*"). A map of specific stream impact locations should also be included.

CLIMATE CHANGE

- The Draft EIS includes a general discussion of climate change in Section 5.22 of the Draft EIS, and brief mention of potential impacts of climate change on the study area, including increased temperatures, higher intensity precipitation events, and increased runoff. While the Draft EIS acknowledges that climate change impacts within the study area would likely revolve around increased temperatures and further altered (flashier) hydrologic conditions, there was no discussion on adaptation and how the proposed project's flood control measures will combat flashier hydraulic conditions and increased runoff from higher intensity precipitation events. Additionally, the Draft EIS references CEQ's 2010 guidance "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions," which is not the most up to date guidance. In December 2014, CEQ issued revised draft guidance[1] with recommendations of how to consider the effects of greenhouse gas (GHG) emissions and climate change in NEPA documentation.

  Recommendations: EPA recommends the following be completed and information added to the Final EIS:
  - Additional discussion regarding climate change adaptation and how the proposed project's flood control measures will combat flashier future hydraulic conditions.
  - Include a summary discussion of climate change and reasonably foreseeable climate change impacts relevant to the project, based on U.S. Global Change Research Program[2] assessments, to assist with identification of potential project impacts that may be exacerbated by climate change and to inform consideration of measures to adapt to climate change impacts. This will assist in identifying resilience-related changes to the National Economic Development (NED) Plan that should be evaluated and considered as part of the proposed project.
  - Estimate the GHG emissions associated with the NED and project alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website[3]. For actions which are likely to have less than 25,000 metric tons of CO2-e emissions/year, providing a qualitative estimate is acceptable, unless quantification is easily accomplished. The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. In disclosing the potential impacts of the proposal and reasonable alternatives, consideration should be given to whether and to what extent the impacts may be exacerbated by expected climate change in the project area, as discussed in the "affected environment" sections.

[1] http://go.usa.gov/3KEyR
[2] http://www.globalchange.gov/
[3] https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html

- Describe measures to reduce GHG emissions associated with the proposed project, including reasonable alternatives or other practicable mitigation opportunities, and disclose the estimated GHG reductions associated with such measures. Any commitments to implement reasonable mitigation measures that will reduce or eliminate project-related GHG emissions should be committed to in the project Record of Decision (ROD).
- Include a discussion on adaptation and how the proposed project's flood control measures will combat flashier hydraulic conditions and increased runoff from higher precipitation events. The Final EIS alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change.

MITIGATION AND MONITORING

- Table 8.1 (Land Cover Affected by the Proposed Alternatives) in the DEIS indicates that approximately 18 acres of deciduous forest will be impacted by implementation of the proposed alternative.

  Recommendation: In addition to required wetland and stream mitigation proposed by USACE, USEPA strongly recommends voluntary tree planting mitigation for the loss of deciduous forest, to be provided at a minimum ratio of 1:1. Planting native tree species would further reduce project impacts and provide additional habitat for terrestrial species. USEPA recommends further coordination with the Ohio Department of Natural Resources on this matter. We recommend this voluntary tree mitigation be incorporated as a commitment in the Final EIS and Record of Decision (ROD). A list of suitable native tree species should be added to the Environmental Appendices. USEPA supports maximizing floodplain habitat and native deciduous forest restoration in the project area, considering much of Blanchard River watershed was historically within the Great Black Swamp.

- Section 5.0, Long Term Management (Post Monitoring) of the Draft Mitigation and Monitoring Plan states, *"The Local Sponsor will be required to obtain the appropriate lands for conducting the mitigation and maintaining these areas in perpetuity as well as the appropriate easements for access and maintenance during the monitoring period. ... USFWS [U.S. Fish and Wildlife Service] and USEPA recommended placing a third party held conservation easement or environmental covenant in perpetuity on both the wetland and stream mitigation areas. USACE will contact potential third party conservation groups to determine level of interest and make a final determination after site visits are able to be conducted to further refine the impacts of the project and proposed compensatory mitigation plan."*

  Recommendation: USEPA strongly recommends that a conservation easement or environmental covenant, to be held in perpetuity, be placed on all wetland, stream, and voluntary native tree mitigation sites. Similarly, EPA commends the 10-year monitoring period proposed for wetland restoration, and we strongly recommend that a 10-year

monitoring period apply to any (voluntary) native tree mitigation activities that may be undertaken.

RECORD OF DECISION COMMITMENTS

- The U.S. Fish and Wildlife Service (USFWS) and the ODNR have noted tree clearing restriction dates between April 1 and September 30 to avoid potential impacts to listed bat species. In-water work restriction dates (March 1 to June 15) have also been suggested by the agencies. Mussel surveys have been recommended by USFWS, USEPA, and ODNR, and USACE committed to performing them during the design phase of the project.

  Recommendation: A list of commitments should be added to the Final EIS. USACE should commit to seasonal work restriction dates (both tree clearing and in-water work restriction dates) and mussel surveys as per guidance from USFWS and ODNR, and these commitments should be carried forward and committed to in the forthcoming Record of Decision (ROD).

- USEPA commends USACE's early and extensive coordination with USFWS and ODNR, as well as USACE's commitment to adhere to the seasonal restrictions for avian and aquatic species per the Migratory Bird Treaty Act and the 2014 Fish and Wildlife Coordination Act (F&WCA) recommendations from the USFWS and the ODNR.

  Recommendation: USEPA strongly recommends that USACE commit to all of the recommendations listed in the 2014 F&WCA in both the Final EIS and ROD.

GROUNDWATER

- Section 8.3 (Groundwater) of the Draft EIS states, "*...Higher groundwater pollution potential may occur as a result of diversion channel construction, with long-term, minor impacts to groundwater expected.*" The Draft EIS does not discuss whether or not groundwater is the local drinking water source, and what the implications to human health and the environment would be.

  Recommendation: The Final EIS should discuss, in more detail, the potential pollution potential to groundwater, and how these impacts can or will be avoided, minimized, or otherwise mitigated.

OTHER

- Section 5.19 (Socioeconomics) of the Draft EIS states: "*Estimates for population from the Census Bureau's QuickFacts from 2010-2013 show the City of Findlay, as well as both Hancock County and the State of Ohio, are increasing in population. Hancock County had an increase of 1.3 percent of the population while the State of Ohio had a 0.3 percent increase. The city of Findlay fell between the county and state with a 0.8 percent increase. The City of Findlay represents 55 percent of Hancock County's total population.*" Even though the community may experience moderate, long-term benefits from the

implementation of the proposed project features, the analysis contained in the Draft EIS is incomplete because it does not address the issue of potential growth within the City of Findlay.

Recommendation: EPA recommends the Final EIS discuss the possibility of increased population in the City of Findlay and the potential effects to the project's efficacy. For example, based on city and county zoning ordinances, how will runoff from increased impervious surfaces (e.g., residential and commercial) be handled? Will detention basins or rain gardens be built or permeable pavements installed to decrease the amount of runoff from new structures? Based on existing ordinances, will construction of non-essential structures in the floodplain be restricted? USEPA recommends these questions be addressed in the Final EIS.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION[1]

Environmental Impact of the Action

LO - Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO - Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1 - Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3 - Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

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[1] From EPA Manual 1640: Policy and Procedures for the Review of Federal Actions Impacting the Environment